

**BOARD OF WATER SUPPLY
CITY AND COUNTY OF HONOLULU
REQUEST FOR EXEMPTION FROM
CHAPTER 103D**

DATE: January 5, 2021

TO: Ernest Y.W. Lau, P.E.
Manager and Chief Engineer

FROM: Raelynn Nakabayashi
Executive Assistant I
Executive Support Office

RE: REQUEST FOR EXEMPTION FROM CHAPTER 103D FOR
WORKERS' COMPENSATION LITIGATION ATTORNEYS

Pursuant to §103D-102(b)(4)(L), Hawaii Revised Statutes (HRS) and §3-120-5, Hawaii Administrative Rules (HAR), I am recommending that an exemption be granted from the source selection process under the provisions of Chapter 103D, HRS, to select two (2) law firms with expertise in representing governments and municipalities to represent and provide legal advice and counsel the Board of Water Supply (BWS) in workers' compensation matters.

Vendor Name & address:

Chong, Nishimoto, Sia, Nakamura & Goya, LLLP (C21511004) \$50,000.00
1003 Bishop Street, Suite 2500
Honolulu, Hawaii 96813

Cox Wootton Lerner Griffin & Hansen LLP (C21511005) \$50,000.00
841 Bishop Street, Suite 1099
Honolulu, Hawaii 96813

Amount of the contract: Each contract shall be a Time and Materials contract with an initial amount \$50,000. Initial term of three (3) years with two (2) optional one-year extensions.

Prior exemption contract numbers: None

A. Background:

BWS requires the services of an attorney licensed to practice law in the State of Hawaii to prepare, defend and provide legal advice to BWS as co-counsel or Litigation Attorney with the Department of the Corporation Counsel in connection with various legal issues arising from workers' compensation matters.

B. Describe how procurement by competitive means is neither practicable nor advantageous to the Board of Water Supply (BWS)


On April 30, 2020, pursuant to §103D-304(b), HRS, the BWS posted its Annual Notice to Providers of Professional Services inviting professional firms to submit statements of qualification to provide services to the BWS for its anticipated professional service needs for Fiscal Year 2021 (Annual Notice). The Annual Notice provided a schedule of submission deadlines by which qualifications must be received to be eligible for consideration for the Fiscal 2021 year. As of January 1, 2021, the BWS has not received the minimum number of qualified submittals for Project Category 21-34ES Workers' Compensation Legal Counsel to be able to award a contract for legal services pursuant to §103D-304, HRS and the continued solicitation pursuant to §103D-304, HRS, is not expected to produce the required three (3) qualified vendor submittals to award a contract pursuant to §103D-304(g), HRS. The total potential cost of the services preclude an award pursuant to §103D-304(j), HRS and it is not practicable for the BWS to use a request for competitive proposal method of selection pursuant to §103D-303, HRS, due to the length of time that the proposal process takes and also because the proposal process would likely not yield more responses than was received when the BWS posted the request for qualifications pursuant to §103D-304, HRS. Additionally, qualifications and experience are the main determining factors in selecting a vendor rather than price and as such, the use of the competitive sealed bid selection process pursuant to §103D-302, HRS is not practicable.

Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable

The Chong and Cox firms submitted qualifications in response to the BWS Annual ad for Project Category 21-34ES and are equally qualified, have the background, expertise, and staffing to provide workers' compensation legal services to the BWS.

Accordingly, I recommend your approval to award time and material retainer contracts to the Chong, Nishimoto, Sia, Nakamura & Goya, LLLP and Cox Wootton Lerner Griffin & Hansen LLP, law firms to provide workers' compensation legal services and represent the Board of Water Supply in handling workers' compensation matters. The exemption is only from applying the source selection provisions of Chapter 103D, HRS. §103D-310(c), HRS, and §3-122-12, HAR (Responsibility of Offerors) shall apply to the contract awarded. The application of this exemption will be limited to these facts and circumstances and may not be used as precedence to award any other contracts.


I certify that the information provided above is to the best of my knowledge, true, correct.


Requestor


Acting Division Head

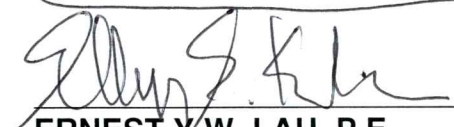
1/5/2021
Date

1/5/2021
Date

Direct Questions to: Raelynn Nakabayashi Phone: 

Date of Public Notice posting: JAN - 7 2021 to JAN 15 2021

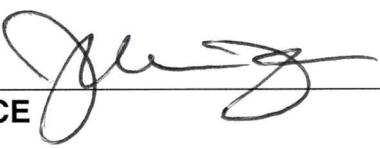
APPROVED AS RECOMMENDED / NOT APPROVED


ERNEST Y.W. LAU, P.E.
Manager and Chief Engineer

01/10/2021
Date

APPROVED AS TO AVAILABILITY OF FUNDS

2021-820-3021
(5110.4270)


FINANCE

MH
1/7/21

1/7/21
Date

REVIEWED AS TO PROCUREMENT FORM


PROCUREMENT OFFICE

1/5/2021
Date



**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

CERTIFICATE OF VENDOR COMPLIANCE

This document presents the compliance status of the vendor identified below on the issue date with respect to certificates required from the Hawaii Department of Taxation (DOTAX), the Internal Revenue Service, the Hawaii Department of Labor and Industrial Relations (DLIR), and the Hawaii Department of Commerce and Consumer

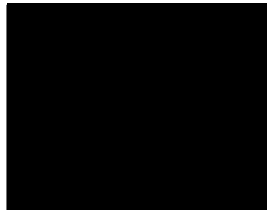
Vendor Name: **CHONG, NISHIMOTO, SIA, NAKAMURA & GOYA, LLLP, A LIMITED LIABILITY LAW LIMITED PARTNERSHIP**

DBA/Trade Name: **CHONG, NISHIMOTO, SIA, NAKAMURA & GOYA, LLLP, A LIMITED LIABILITY LAW LIMITED PARTNERSHIP**

Issue Date: **01/07/2021**

Status: **Compliant**

Hawaii Tax#:
New Hawaii Tax#:
FEIN/SSN#:
UI#:
DCCA FILE#:



Status of Compliance for this Vendor on issue date:

Form	Department(s)	Status
A-6	Hawaii Department of Taxation	Compliant
	Internal Revenue Service	Compliant
COGS	Hawaii Department of Commerce & Consumer Affairs	Compliant
LIR27	Hawaii Department of Labor & Industrial Relations	Compliant

Status Legend:

Status	Description
Exempt	The entity is exempt from this requirement
Compliant	The entity is compliant with this requirement or the entity is in agreement with agency and actively working towards compliance
Pending	The entity is compliant with DLIR requirement
Submitted	The entity has applied for the certificate but it is awaiting approval
Not Compliant	The entity is not in compliance with the requirement and should contact the issuing agency for more information



STATE OF HAWAII
STATE PROCUREMENT OFFICE

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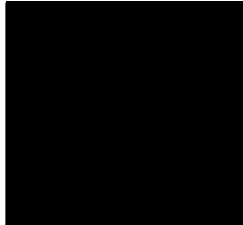
This document presents the compliance status of the vendor identified below on the issue date with respect to certificates required from the Hawaii Department of Taxation (DOTAX), the Internal Revenue Service, the Hawaii Department of Labor and Industrial Relations (DLIR), and the Hawaii Department of Commerce and Consumer

Vendor Name: COX, WOOTTON, LERNER, GRIFFIN & HANSEN, LLP

Issue Date: 01/07/2021

Status: Not Compliant

Hawaii Tax#:
New Hawaii Tax#:
FEIN/SSN#:
UI#:
DCCA FILE#:



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